

LEGAL NOTICE

Summary of Proposed Rulemakings

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

*The written comment deadline is September 26, 2007, unless otherwise listed.
(Temp & Prop) indicates the rule is both temporary and proposed.
** Indicates that a public hearing has been scheduled.*

IDAPA 02 – DEPARTMENT OF AGRICULTURE PO Box 790, Boise, ID 83701-0790

02-0214-0701, Rules for Weights and Measures. Updates incorporation by reference section; adds standards for and defines biodiesel; adds requirements for identification and retail labeling for biodiesel; eliminates loaf size restriction for bread to align rule to Idaho Code.

****02-0301-0701, Rules Governing Pesticide Management Plans for Ground Water Protection.** Updates the incorporation by reference and abbreviations sections; adds chemical-specific rules associated with steps to prevent DCPA from impacting Idaho's ground water.

****02-0417-0701, Rules Governing Dead Animal Movement and Disposal.** (Temp & Prop) Clarifies that harvested livestock may not be left to decompose; and requires written approval for any variance from the rule.

****02-0419-0701, Rules Governing Domestic Cervidae.** (Temp & Prop) Updates and clarifies types of official identification and adds visible identification criteria; amends perimeter fence and inventory verification requirements.

02-0612-0701, Rules Pertaining to the Idaho Fertilizer Law. Updates incorporation by reference of the AAFPCO official publication and Merck Index; allows name and address of manufacturer or guarantor to appear on the fertilizer label.

02-0636-0701, Rules Governing Karnal Bunt Disease of Wheat, Rye, and Triticale. (Temp & Prop) Repeal of chapter.

02-0639-0701, Rules Governing Minimum Standards for Planting Uncertified Seed Potatoes in Idaho. Sets forth seed potato record keeping requirements for compliance with the USDA National Seed Potato Harmonization Plan, changes chapter name, and make technical corrections.

IDAPA 06 – BOARD OF CORRECTION 1299 N. Orchard St., Ste 110, Boise, ID 83706

06-0101-0701, Rules of the Idaho Board of Correction. Updates rule to reflect current processes and procedures for housing inmates, mail handling, inmate religious practices, searches of persons and vehicles, visiting, and volunteer services; revises terminology and definitions to be consistent with Department policies and procedures; and deletes obsolete rules.

**IDAPA 09 – DEPARTMENT OF LABOR
317 W. Main St., Boise, ID 83735**

09-0106-0701, Rules of the Appeals Bureau. Removes the word “tape” in reference to the recordings made of appeals hearings.

09-0130-0701, Rules of the Benefits Bureau. Adds requirement that claimants must use their assigned reporting method when filing claim reports unless reassigned by Department.

09-0201-0701, Rules of the Disability Determinations Service (DDS). New chapter limits time period for the submission of bills by DDS vendors to receive payment to one year from the date the services are provided.

**IDAPA 11 – IDAHO STATE POLICE
PO Box 700, Meridian, ID 83680-0700**

11-0701-0701, Rules Governing Motor Vehicles – General Rules. Incorporates by reference the current national, federal and state codes, standards, and/or specifications.

**IDAPA 14 - BOARD OF REGISTRATION FOR PROFESSIONAL GEOLOGISTS
PO Box 83720, Boise, ID 83720-0033**

14-0101-0701, Rules of Procedure of the Board of Registration for Professional Geologists. Clarifies and adds definitions; removes an exam processing fee and clarifies that application and exam fees are non-refundable; adds provisions to establish the electronically-generated seal image; reduces the time for submission of applications prior to examination and clarifies the content of personal references for application; specifically identifies the exam title; clarifies the scope, scoring and inspection of exam; reduces the time to appeal exam results; and provides a Code of Ethics.

**IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE
PO Box 83720, Boise, ID 83720-0036**

16.02.10, Idaho Reportable Diseases

16-0210-0701, Repeal of chapter.

16-0210-0702, Rewrite of chapter increases accuracy and timeliness of reporting by removing and updating language to reflect changes in disease testing, control measures, reporting requirements and citations.

****16-0219-0701, Food Safety and Sanitation Standards for Food Establishments.** Defines “intermittent food establishment” to clarify that farmers' or community markets selling prepared foods must meet food safety standards; and adds safety standards and precautions for Norovirus.

****16-0302-0701, Rules and Minimum Standards for Skilled Nursing and Intermediate Care Facilities.** (Temp & Prop)

****16-0311-0701, Rules Governing Intermediate Care Facilities for the Mentally Retarded.** (Temp & Prop)

****16-0322-0701, Residential Care or Assisted Living Facilities in Idaho.** (Temp & Prop)

Changes to these 3 chapters allow these facilities to use either the Department's criminal history and background check or another entity's check. Checks conducted by other entities, at a minimum, must be fingerprint-based and include a search of specified sources for records; and states when an individual is available to work and provides other requirements necessary to complete a check.

****16-0307-0701, Rules for Home Health Agencies.** (Temp & Prop)

****16-0315-0701, Rules and Minimum Standards Governing Semi-Independent Group Residential Facilities for the Developmentally Disabled or Mentally Ill.** (Temp & Prop)

Changes to these 2 chapter require criminal history and background checks for workers who have access or provide care to individuals living in their own home or in care facilities.

16-0501-0701, Use and Disclosure of Department Records. Expands list of individuals whose identity must not be

disclosed to include those who may report concerns to the Department about certified family homes; adds to the list of exceptions to requirements for authorizations individuals and organizations licensed by the Department; revises list of law enforcement personnel, coroners, medical examiners, funeral directors, or personal representatives who have access to the records of decedents to include the purpose for which they may use the disclosed information.

16-0505-0701, *Criminal History and Background Checks in Long-Term Care Settings*. (Temp & Prop) Repeal of chapter.

****16-0601-0701, *Rules Governing Family and Children's Services*.** (Temp & Prop) Changes include a new system for classifying the level of risk to children posed by individuals with substantiated reports of abuse, abandonment, or neglect and include a process for an individual on the Central Registry to request that the Department remove his name from the registry when the time period assigned to the individual's risk level has elapsed.

IDAPA 18 – DEPARTMENT OF INSURANCE

PO Box 83720, Boise, ID 83720-0044

18-0101-0701, *Title Insurance Definition of Tract Indexes and Abstract Records*. Adds required sections and clarifies that only the geographic index is required to be complete from inception of title from the USA, while the name index (grantor/grantee index), which must include all instruments, proceedings and matters of record that affect title, does not have to be complete.

18-0103-0701, *Military Sales Practices Rule*. (Temp & Prop) New chapter protects active duty military personnel from abusive sales practices by identifying specific methods and practices used in selling life insurance and annuity products considered to be dishonest, unfair, deceptive or predatory.

18-0179-0701, *Recognition of Preferred Mortality Tables for Use in Determining Minimum Reserve Liabilities*. (Temp & Prop) New chapter adopts actuarially developed mortality tables that insurers may elect to use allowing them to set reserves more accurately for more favorable risks.

IDAPA 23 – BOARD OF NURSING

PO Box 83720, Boise, ID 83720-0061

23-0101-0701, *Rules of the Idaho Board of Nursing*. Establishes qualifications and sets fees for certification of medication assistants; adopts procedures for application, certification renewal, education and training criteria; provides for competency evaluations and nurse supervision of medication assistants; and clarifies grounds for discipline of a nurse for the misuse of alcohol or drugs.

IDAPA 27 – BOARD OF PHARMACY

PO Box 83720, Boise, ID 83720-0067

27.01.01, *Rules of the Idaho State Board of Pharmacy*

27-0101-0701, Provides for identification of persons receiving controlled substances at a pharmacy, describes the manner of satisfying the positive identification requirement, and provides exceptions to the identification requirements.

27-0101-0702, Now requires limited service pharmacies to report data regarding controlled substance prescriptions.

27-0101-0704, Authorizes a "Technician-Checking-Technician" pilot program within the institutional pharmacies of hospitals, defines eligible hospitals and establishes the requirements and restrictions of program participation.

IDAPA 31 – PUBLIC UTILITIES COMMISSION

PO Box 83720, Boise, ID 83720-0074

31-1101-0701, *Safety and Accident Reporting Rules for Utilities Regulated by Idaho Public Utilities Commission*. Incorporates by reference the 2006 International Fuel Gas Code and the International Mechanical Code and the current Code of Federal Regulations - 18 CFR, Section 206.9.

IDAPA 46 - BOARD OF VETERINARY MEDICAL EXAMINERS**PO Box 7249, Boise, ID 83707**

46-0101-0701, Rules of the State of Idaho Board of Veterinary Medicine. Deletes outdated educational requirements; adds national exam procedure change; changes when certain documents must be sent to applicant for licensure; deletes a more restrictive military waiver provision for licensed individuals; clarifies filing deadlines for submission of continuing education requirements; increases by 2 months a licensing eligibility provision; changes technician application procedures; clarifies time-frame for animal examinations; adds requirement that animal patient's name be included with the owner's name on a prescription; requires surgical rooms to be separate, single-purpose rooms to minimize contamination; eliminates unnecessary information in medical records; make changes in diagnostic testing; establishes criteria for a valid veterinary/client/patient relationship in administering drugs to herd animals; eliminates unnecessary provisions on verification of death of animal; and requires that law enforcement certified euthanasia technicians provide a form signed by the supervising veterinarian.

IDAPA 52 - IDAHO STATE LOTTERY COMMISSION**PO Box 6537, Boise, ID 83707-6573**

52.01.01, Rules of Practice and Procedure of the Idaho State Lottery Commission

52-0101-0701, Repeal of chapter.

52-0101-0702, Chapter rewrite incorporates by reference IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General" for the Commission's practice and procedure requirements.

52-0102-0701, Gaming Rules of the Idaho State Lottery. Amendments bring the gaming rules into compliance with governing law.

52-0103-0701, Rules Governing Operations of the Idaho State Lottery. New chapter establishes rules for the operation of the Idaho State Lottery.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**1410 N. Hilton, Boise, Idaho 83706-1255**

****58-0107-0701, Rules Regulating Underground Storage Tank Systems.** New chapter complies with HB 33 by providing for the following: inspection and certification of petroleum USTs; owner and operator training; release prevention, detection, compliance and enforcement; delivery prohibitions; adds measures to protect ground water; develops a database system for petroleum UST information status. Also incorporates by reference 40 CFR Part 280, with exceptions. Comment by: 10/3/07.

****58-0111-0701, Ground Water Quality Rule.** Adds definitions and language necessary to improve interpretation and implementation of active mineral extraction provisions and to facilitate consistent application of the rule to mining activities; addresses points of compliance for ground water quality related issues at sites with active mineral extraction. Comment by: 10/3/07.

THE FOLLOWING TEMPORARY RULE HAS BEEN ADOPTED:**Division of Building Safety**

07-0301-0701, Rules of Building Safety

A NEGOTIATED RULEMAKING MEETING IS BEING HELD ON THE FOLLOWING:**Department of Environmental Quality**

58-0101-0702, Rules for the Control of Air Pollution in Idaho

Please refer to the Idaho Administrative Bulletin, **September 5, 2007, Volume 07-9** for notices and text of all rulemakings, public hearing schedules, Governor's executive orders, and agency contact information.

Issues of the Idaho Administrative Bulletin can be viewed at the county law libraries or online.

To view the Bulletin or Code or for information on purchasing the Bulletin and other rules publications, visit our website at www.adm.idaho.gov/adminrules/ or call (208) 332-1820 or write the Dept. of Administration, Office of Administrative Rules, 650 W. State St., Room 100, Boise, ID 83720-0306.